

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA**

TABITHA MARIE SMITH (Deceased)  
(aka Tabatha Marie Colbaugh),  
by and through her surviving children  
NATHAN ALEXANDER SMITH,  
JE through next friend JH,  
NR through next friend SR, and  
LC through next friend EH,

and

NATHAN ALEXANDER SMITH,  
NR through next friend SR,  
JE through next friend JH,  
and  
LC through next friend EH,  
(individually),

*Plaintiffs,*

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MEIGS COUNTY, and

ESTATE OF ROBERT J. LEONARD (Deceased),  
by and through Neal Pinkston as  
Administrator *ad Litem*,

*Defendants.*

## **PLAINTIFFS' RULE 26 INITIAL DISCLOSURES**

NOW COME Plaintiffs TABITHA MARIE SMITH (Deceased) by and through her surviving children NATHAN ALEXANDER SMITH, JE through next friend JH, NR

through next friend SR, and LC through next friend EH, by and through their counsel and submit the following Rule 26 initial disclosures:

**A(1): Known individuals likely to have discoverable information**

- Plaintiffs Nathan Smith, JE, NR, and LC. Care of Plaintiffs' counsel. Have information concerning the decedent and their loss, pain, and suffering
- JH, BH, KO, and SR. Have information regarding JE, NR and LC's loss, pain, and suffering.
- All treaters of JE, NR and LC who have information regarding their loss, pain and suffering.
- Sheriff Jackie Melton. Care of Counsel for Defendant Meigs County. Have knowledge concerning the training Defendant Leonard received prior to the incident and of the policies, procedures, and customs of Defendant Meigs County.
- Kenneth Colbaugh. Care of Plaintiffs' counsel. Has information concerning Tabitha Smith.
- Michael Server. Care of Plaintiffs' counsel. Has knowledge related to the creation of certain photographs of the accident scene in Plaintiffs' possession. Has knowledge of the accident site based on visits after the incident.

- Presently unknown deputy(ies) employed by the Meigs County Sheriff's Department who were involved in training Robert J. Leonard. Care of Counsel for Defendant Meigs County. Have knowledge concerning the training Defendant Leonard received prior to the incident and of the policies, procedures, and customs of Defendant Meigs County.
- Treating providers for Tabitha Smith.
- Medical examiner. Has information regarding death of Tabitha Smith and Defendant Leonard and autopsies regarding same.
- Russell Johnson, 9th District Attorney General. 1008 Bradford Way, Kingston TN, 37763. Has information concerning the investigation and findings into the death of Tabitha Smith and Defendant Leonard.
- Sergeant John McFarland. Tennessee Highway Patrol. Has information concerning the investigation and findings into the death of Tabitha Smith and Defendant Leonard.
- Sergeant Jerry Millsaps. Tennessee Highway Patrol. Has information concerning the investigation and findings into the death of Tabitha Smith and Defendant Leonard.
- Cortney Dugger. Office of 9th District Attorney General. 1008 Bradford Way, Kingston TN, 37763. Has information concerning the investigation and findings into the death of Tabitha Smith and Defendant Leonard.

- All other individuals involved in the preparation of the Summary Report of In-custody Death of Deputy Robert John Leonard, the Tennessee Highway Patrol Critical Incident Response Team Report, or the Tennessee Attorney General Report of Forensic Findings.
- All witnesses identified in Defendants Rule 26 disclosures.
- All witnesses identified through discovery.
- All witnesses necessary for the introduction and authentication of documents.
- Expert witnesses in the following categories:
  - Computer forensics;
  - Engineering;
  - Mapping;
  - Data analysis;
  - Radio frequency and telecommunications;
  - Police procedures and conduct;
  - Accident reconstruction;
  - Forensic pathology

Plaintiffs expressly reserve the right to supplement their initial disclosures as additional witnesses are identified.

## **A(2): Description of documents in Plaintiffs' Possession**

- The February 15, 2024, Tennessee Highway Patrol Critical Incident Response Team Report (“THP Report”).
- Office of the 9<sup>th</sup> District Attorney General, Report of Forensic Findings (“Forensic Report”).
- Office of the 9<sup>th</sup> District Attorney General, Summary Report of the In-custody Death of Tabatha Smith and Line-of-duty death of Deputy Robert John Leonard (“Summary Report”).
- Office of the 9<sup>th</sup> District Attorney General, Report of Investigation (Feb. 21, 2024).
- Various news articles involving prison or jail transportation crashes.
- Various Meigs’ County Annual Financial Reports. Presently Plaintiffs have the years 2021–2023.
- Images of the location of the incident and approach taken by Michael Server.
- Videos of the approach to the incident location and incident taken by Michael Server.
- Weather data for the area of the incident taken from Weather Underground, the United States Geological Survey, and the National Weather Service.
- Tabitha Smith’s death certificate.

### **A(3): Computation of Damages**

Plaintiffs have not fully calculated their damages at this early stage in litigation. However, they include the pain and suffering of Tabitha Smith, economic and punitive damages associated with the violation of her rights, loss of consortium and related injuries experienced by Plaintiffs Nathan Smith, JE, NR, and LC.

However, Plaintiffs would like to take this moment to inform Defendant Meigs County that state laws limiting liability have no effect on federal claims. *See* U.S. Const. art. VI, cl. 2.

### **A(4): Indemnity or Insurance Agreements**

Upon information and belief, Defendant Meigs County maintains an insurance policy that may be liable to satisfy a judgment in this matter.

Dated: April 28, 2025

Respectfully submitted,

By: /s/ Robin Ruben Flores  
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### **CERTIFICATE OF SERVICE**

The undersigned attorney for the Plaintiffs hereby certifies that true and exact copies of this motion have been filed and served electronically upon all parties in interest or their counsel as indicated on the receipt issued by the Court's electronic filing system.

April 28, 2025

By: /s/ Alyson Oliver